

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Eric Barragan was a member of the Board of Trustees of the Santa Paula Union High School District from December 11, 1996 until his resignation from office on May 30, 2004. Committee to Re-Elect Eric Barragan (“Committee”) was at all times relevant to this matter the controlled committee of Respondent Barragan. Respondent Oralía Razo served as treasurer of the Committee.

The Political Reform Act (the “Act”)<sup>1</sup> requires candidates and their controlled committees to file periodic campaign statements disclosing the receipt of contributions and the making of expenditures. In this matter, Respondents failed to timely file two, post-election semi-annual campaign statements.

For the purposes of this stipulation, Respondents’ violations of the Act are stated as follows:

**COUNT 1:** Respondents Eric Barragan, Committee to Re-Elect Eric Barragan, and Oralía Razo failed to timely file a semi-annual campaign statement by July 31, 2002, for the reporting period January 1 through June 30, 2002, in violation of Government Code section 84200, subdivision (a).

**COUNT 2:** Respondents Eric Barragan, Committee to Re-Elect Eric Barragan, and Oralía Razo failed to timely file a semi-annual campaign statement by January 31, 2003, for the reporting period July 1 through December 31, 2002, in violation of Government Code section 84200, subdivision (a).

### **SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in section 81002, subdivision (a), is to ensure that receipts and expenditures in election campaigns be fully and truthfully disclosed, in order for voters to be fully informed and improper practices inhibited. To that end, the Act sets forth a comprehensive campaign reporting system.

Section 82013, subdivision (a) defines a “committee” as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year. This type of committee is commonly referred to as a “recipient” committee. Under section 82016, subdivision (a), a recipient committee that

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

is controlled directly or indirectly by a candidate is a “controlled committee.”

Section 84200 requires candidates and their controlled committees to file two semi-annual campaign statements each year. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.

Under section 84100 and regulation 18427, subdivision (a), it is the duty of a committee’s treasurer to ensure compliance with all requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds. A committee’s treasurer may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee. (Sections 83116.5 and 91006.)

### **SUMMARY OF THE FACTS**

This matter arose out of a referral from the Ventura County Clerk and Recorder. Respondent Barragan served as a member of the Board of Trustees of the Santa Paula Union High School District beginning December 11, 1996, and was successfully re-elected to that office in the 2000 election. More recently, Respondent Barragan was an unsuccessful candidate in the November 8, 2005 election for his former office with the Board of Trustees of the Santa Paula Union High School District. Respondent Committee was terminated on January 13, 2006.

Respondents Barragan and Committee have a prior enforcement history. During the years 2000 through 2001, Respondents Barragan and Committee failed to timely file three campaign statements even after several notices, and on June 11, 2002, Respondent Barragan was issued a warning letter from the Enforcement Division of the Fair Political Practices Commission.

In the current matter, Respondents had a duty to continue to timely file semi-annual statements as long as Respondent Committee remained open. Respondents failed to timely file semi-annual campaign statements for the first and second reporting periods of 2002. These campaign statements were not filed until August 10, 2005.

Despite the warning letter issued in June of 2002 for the prior enforcement case, Respondents failed to timely file the semi-annual campaign statement that was due by July 31, 2002 for the period January 1 through June 30, 2002. Respondents were notified four times of their obligation to file this statement by Virginia Bloom, Deputy County Clerk with the Office of the County Clerk and Recorder of Ventura County. On September 18, 2002, Respondents were notified of their filing obligation in writing. On September 30, 2002, Respondents received a second written notification and Respondent Barragan received a third, oral warning. On October 2, 2002, Respondents received the fourth, written warning and still did not file the statement.

With regard to the next statement due on January 31, 2003, for the period July 1 through December 31, 2002, Ms. Bloom sent a written notification on January 1, 2003, advising Respondents of their filing obligation. Although the notification was given prior to the filing deadline, Respondents failed to timely file the semi-annual campaign statement by the due date. After the initial, pre-deadline notification, three more warnings were given. On February 5, 2003, Respondent Barragan received an oral warning, and on February 11, 2003, Ms. Bloom sent Respondents an additional written warning. On February 25, 2003, Ms. Bloom sent a final written warning.

Eventually, in response to the notifications and contact by the Enforcement Division, Respondents filed both statements on August 10, 2005. The statements reported that no contributions had been received, nor expenditures made, during the periods covered by the statements.

### **CONCLUSION**

This matter consists of two counts of violating section 84200, subdivision (a), which carries a maximum administrative penalty of Ten Thousand Dollars (\$10,000).

However, the typical stipulated administrative penalty for the violation of failing to timely file a post-election semi-annual campaign statement has ranged from \$1,500 to \$2,500 per violation.

In aggravation, Respondents received a warning letter in 2002 from the Enforcement Division for similar violations of the Act, namely, untimely filing of campaign statements. Despite this warning letter, and numerous, additional notifications, Respondents continued to violate the Act.

In mitigation, however, the delinquent semi-annual campaign statements reflected no activity and were post-election statements. Additionally, the Committee is now terminated.

In light of the circumstances, imposition of an administrative penalty that is in the middle of the penalty range is appropriate for each violation. Accordingly, the facts of this case justify imposition of the agreed upon penalty of Three Thousand Five Hundred Dollars (\$3,500).